

**House File 2047 - Introduced**

HOUSE FILE 2047

BY KAUFMANN

**A BILL FOR**

1 An Act specifying restrictions on the issuance of a certificate  
2 of public convenience, use, and necessity for construction  
3 of a nuclear generating facility.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   **476A.6A Nuclear generating**  
 2 **facilities — voter approval.**

3     1. In addition to any other requirements for issuance of  
 4 a certificate pursuant to this chapter, a certificate shall  
 5 not be issued for the construction of a nuclear generating  
 6 facility until the county electorate in each county within a  
 7 two hundred fifty mile radius of the proposed location for  
 8 the nuclear generating facility has approved construction of  
 9 the facility. Within thirty days following a public hearing  
 10 regarding the issuance of a certificate held pursuant to  
 11 section 476A.4, the board shall notify the board of supervisors  
 12 in each county located within the radius that an application to  
 13 construct a nuclear generating facility has been submitted and  
 14 that a hearing regarding the application has been conducted.  
 15 The board of supervisors in each county shall then direct  
 16 the commissioner of elections in the county to submit to the  
 17 registered voters in the county a proposition to approve or  
 18 disapprove the construction of a nuclear generating facility  
 19 at the proposed location for the facility. The proposition  
 20 shall be submitted at an election held on a date specified in  
 21 section 39.2, subsection 4, paragraph "a". If sixty percent  
 22 of the voters in each county voting on the proposition favor  
 23 construction of such a facility, and all other applicable  
 24 requirements are met, a certificate shall be issued. If sixty  
 25 percent of the voters in each county voting on the proposition  
 26 do not favor construction, a certificate shall not be issued.  
 27     2. After a referendum has been held which defeated a  
 28 proposal to construct a nuclear generating facility as provided  
 29 in this section, another referendum on a proposal to construct  
 30 such a facility at a location within two hundred fifty miles  
 31 of the previously proposed location shall not be held for at  
 32 least eight years.

33                                   EXPLANATION

34             The inclusion of this explanation does not constitute agreement with  
 35             the explanation's substance by the members of the general assembly.

1     This bill imposes restrictions on the issuance of a  
2 certificate of public convenience, use, and necessity for  
3 construction of a nuclear generating facility.

4     The bill provides that in addition to any other requirements  
5 for issuance of a certificate pursuant to Code chapter 476A,  
6 a certificate shall not be issued until the county electorate  
7 in each county within a 250 mile radius of a proposed nuclear  
8 generating facility has approved construction of the facility.  
9 The bill requires the Iowa utilities board, within 30 days  
10 following a public hearing regarding the submission of an  
11 application for the construction of a nuclear generating  
12 facility, to notify the board of supervisors in each county  
13 located within the radius that an application has been  
14 submitted and a hearing conducted. The board of supervisors  
15 in each county shall then direct the commissioner of elections  
16 in the county to submit to the registered voters in the county  
17 a proposition to approve or disapprove the construction of a  
18 nuclear generating facility at the proposed location for the  
19 facility. The proposition shall be submitted at an election  
20 held on a date specified in Code section 39.2, subsection  
21 4, paragraph "a". The bill provides that if 60 percent of  
22 the voters in each county voting on the proposition favor  
23 construction of such a facility, and all other applicable  
24 requirements are met, a certificate shall be issued. If 60  
25 percent of the voters in each county voting on the proposition  
26 do not favor construction, the bill provides that a certificate  
27 shall not be issued.

28     The bill provides that after a referendum has been held which  
29 defeated a proposal to construct a nuclear generating facility,  
30 another referendum on a proposal to construct such a facility  
31 at a location within 250 miles of the previously proposed  
32 location shall not be held for at least eight years.